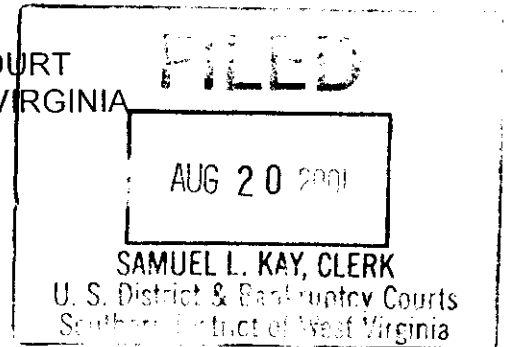


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION
Case No.2:00-0020



In the Matter of the Complaint of
Shelly Materials, Inc. as owner of the
M/V DIRK TAYLOR, Official No. 608017,
for Exoneration From or Limitation of Liability

STIPULATION AND MOTION

STIPULATION

COMES NOW Petitioner, Shelly Materials, Inc., as owner of the M/V DIRK TAYLOR, Claimants, William Joseph Dapper and Kathy Jenne, and Third Party Defendants, Dennis Taylor, Jack Shiflet, SMI Marine Transportation, and Shelly Materials, Inc. and stipulate that:

1. On September 4, 1999, Shelly Materials, Inc. was the owner and operator of the M/V DIRK TAYLOR, an inland river towboat;
2. At approximately 11:30 p.m. on the night of September 4, 1999, William Joseph Dapper fell from the top of the pilothouse of the M/V DIRK TAYLOR and sustained serious, permanent and disabling injuries;
3. William Joseph Dapper's fall from the top of the pilothouse of the M/V DIRK TAYLOR was not caused or contributed to by any negligence on the part of Shelly Materials, Inc., or its agents, servants and employees, or by any unseaworthiness of the M/V DIRK TAYLOR or the barge to which was attached.

MOTION

The parties therefore jointly move the Court for an Order granting Shelly Materials, Inc.'s Petition for Exoneration from Liability and dismissing Plaintiffs' Third Party Complaint

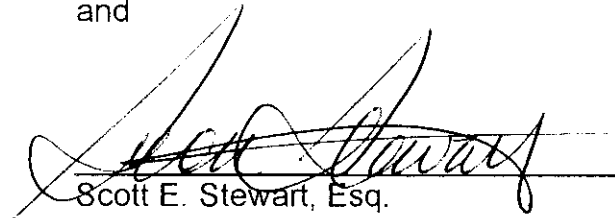
against the Third Party Defendants with prejudice, and ordering each party to bear its own costs.

Submitted this the 17th day of August, 2001.

AGREED TO:

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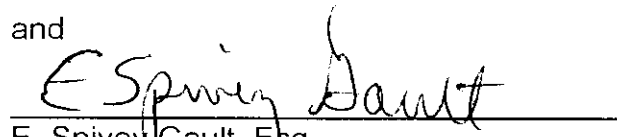
and



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